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Wednesday, 28 April 2004, 12.45 p.m.

New York

President:	Mr. Pleuger	(Germany)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Cunningham

Agenda

Non-proliferation of weapons of mass destruction

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04-32713 (E)

The meeting was called to order at 12.45 p.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation of weapons of mass destruction

The President: The Security Council will now continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/326, which contains the text of a draft resolution submitted by France, the Philippines, Romania, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. I should also like to draw the attention of members to photocopies of a letter dated 27 April 2004 from India, which will be issued as a document of the Security Council under the symbol S/2004/329.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1540 (2004).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. De La Sablière (France) (*spoke in French*): France voted in favour of the draft resolution just adopted by the Council. France is committed to the non-proliferation regime and is actively participating in efforts to strengthen it. We contributed to the adoption by the European Union of a strategy in this area. We are working with our partners in all appropriate international and multilateral forums to improve joint action against a threat that concerns everyone. France is convinced that the United Nations — particularly the Security Council — must play its full role in the multilateral anti-proliferation effort; that is why we supported the draft resolution from the outset and were one of its sponsors. With regard to proliferation, the Security Council draws its legitimacy to act from the Charter of the United Nations. The proliferation of weapons of mass destruction and of their means of delivery is a threat to international peace and security.

To be sure, the Council's actions must reflect respect for the existing regime, and that is what it does in the resolution we have just adopted, by filling a gap in the regime in the light of a phenomenon that adds an additional dimension to the danger of proliferation. That phenomenon is the involvement of non-State actors, particularly terrorists. The emergence of trafficking networks exacerbates the spread of these weapons. In an era of widespread terrorism, it increases the risk of seeing them fall into the hands of the most dangerous.

We now need to begin to implement this resolution in a cooperative spirit. The committee that will receive State reports will now be established. It will include all Security Council members and will adopt all its decisions unanimously. It is States' best guarantee of the dispassionate implementation of this resolution that we intend to carry out. It attests to the sponsors' conviction that the Council can work together on this proliferation issue.

France welcomes the fact that the Council adopted the resolution unanimously. That is a strong signal in favour of effective multilateralism. The sponsors benefited from the dialogue that took place to improve the text, thus strengthening support for it within the Council and among all States. France welcomes that success. We are convinced that the Council can contribute to the international community's action with regard to proliferation and that a Council meeting at the highest level can, at the appropriate time, lend impetus to the strengthening of international initiatives in this area, which is essential for the security of all States.

Mr. Akram (Pakistan): Pakistan shares the objective of promoting the non-proliferation of weapons of mass destruction (WMD). We have expressed our support for the non-proliferation goals

outlined in the statement made by President Bush of the United States on 11 February this year. We shall cooperate with all international endeavours that seek to promote fair and equitable solutions to non-proliferation challenges, including those arising from the risk of terrorists and other non-State actors acquiring or developing weapons of mass destruction.

We share the central objective of the resolution: to prevent terrorists and non-State actors from acquiring weapons of mass destruction. However, some of the provisions of the draft resolution on non-proliferation — which was circulated in the Council a few weeks ago, after a long process of restricted consultations among the five permanent members — raised concerns that were of a systemic nature and were also specific to the situation and status of Pakistan, which is a nuclear-weapon State. We outlined those concerns in our statement in the Council's open debate on 22 April.

We appreciate the serious efforts made by the sponsors of the draft resolution to accommodate our major concerns and those of other States. The draft resolution was revised three times. That enabled Pakistan to support the resolution.

Pakistan shares the general view expressed in the Council's open debate that the Security Council cannot legislate for the world. The sponsors have assured the Council that this resolution is designed to address a gap in international law to address the risk of terrorists and non-State actors acquiring or developing weapons of mass destruction, and that it does not seek to prescribe specific legislation, which is left to national action by States. That has been made specific in paragraph 2 of the resolution.

Second, Pakistan also shares the general view of the United Nations membership that the Security Council cannot assume the stewardship of global non-proliferation and disarmament issues. The Council, composed of 15 States, is not a representative body. It cannot enforce the obligations assumed by five of its members which retain nuclear weapons, since they also possess the right of veto in the Council. Global disarmament and non-proliferation can be achieved only in more universal and non-discriminatory forums, especially the Conference on Disarmament — the sole multilateral negotiating body on disarmament. We thus welcome the affirmation in the draft resolution of the importance and the role of various treaty bodies dealing with non-proliferation and disarmament.

Third, the provisions of the revised text affirm that this resolution is designed specifically to address the threat of WMD acquisition or development by terrorists and other non-State actors. The eighth preambular paragraph of the resolution speaks of the risk that non-State actors such as those identified in resolutions 1267 (1999) and 1373 (2001), "may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery"; the ninth preambular paragraph speaks about the threat of illicit trafficking in weapons of mass destruction and their means of delivery, and related materials; and the fourteenth preambular paragraph reaffirms the need to combat threats to international peace and security caused by terrorist acts. Those preambular paragraphs define the purposes and scope of the resolution.

Fourth, the central obligations created in the resolution are contained in operative paragraphs 1, 2, 3 and 4 of the revised text. Pakistan has already fulfilled most of these requirements. Pakistan has put in place appropriate mechanisms and adequate physical security arrangements for the effective control of our strategic assets, materials and sites. We are further strengthening our export control laws. Pakistan's laws already require express procedures to control chemical weapons, biological weapons and nuclear materials and missile technology. Any individual or entity violating our laws is subject to legal action, including possible criminal prosecution under those laws.

Fifth, under this resolution, legally binding obligations under Chapter VII arise only in respect of paragraphs 1, 2, 3, 4 and 5, which start with the word "decides" and which, at our request, have been grouped together for presentational purposes. This offers reassurance that the provisions of the resolution will not serve to impose non-proliferation obligations on States or to transfer the general responsibility for global non-proliferation and disarmament to the Security Council.

Sixth, we appreciate the changes introduced by the sponsors to clarify that there is no intention to oblige States to join treaties or arrangements to which they are not parties. Thus, the fifth preambular paragraph now specifies that the reference to support for multilateral treaties is important "for all States parties". Similarly, the eleventh preambular paragraph

also recognizes that the binding legal obligations that are mentioned are only those arising from "treaties to which they are parties". Similarly, operative paragraph 8 (a), regarding the universal adoption, full implementation and possible strengthening of multilateral treaties, is restricted to States which are parties to those treaties.

As is well known, Pakistan is not a party to certain treaties and arrangements, such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR), which do not accommodate the reality that Pakistan is a nuclear-weapon State.

Seventh, we welcome the insertion of the word "henceforth" in the fifteenth preambular paragraph of the resolution, which makes it explicit that the provisions of the resolution are not retroactive, but would apply only to events from the date of the adoption of the resolution.

Eighth, the revised text of paragraph 4 has now clarified the limited and specific nature of the role of the committee that is being created. The duration of the life of the committee, as paragraph 4 now states, will be "no longer than two years". Pakistan will be able to submit the report sought in this paragraph within the prescribed six months.

Pakistan continues to believe that the goal of preventing WMD proliferation by non-State actors, as also by States, can be best addressed in universal and non-discriminatory forums. We hope that negotiations to elaborate international treaties on the issues addressed in the present resolution will be initiated and concluded as soon as possible, thus relieving the Security Council of the exceptional responsibilities it has assumed under this resolution.

Finally, let me clarify Pakistan's policy on non-proliferation and disarmament, including in the context of this resolution.

Pakistan strongly supports the objectives of non-proliferation and disarmament. We shall scrupulously fulfil the obligations that we have freely accepted by sovereign decisions under international treaties and other arrangements. As a party to the Chemical Weapons Convention (CWC) and the Biological Weapons Convention, we believe that non-proliferation by State or non-State actors in these fields can be best achieved through full implementation of the provisions of those treaties. The outstanding issues relating to CWC implementation, including the destruction of chemical weapon stocks, should be resolved through the Organization for the Proliferation of Chemical Weapons. Biological weapons are the most likely weapon of mass destruction that could be acquired by terrorists and non-State actors as well as by States. Biological weapons technology is evolving rapidly. A universal and equitable verification mechanism to prevent biological weapons proliferation is now more essential than ever.

The situation in the area of nuclear non-proliferation, as well as missile proliferation, is considerably more complicated. Several States, including Pakistan, are not parties to the NPT, the Nuclear Suppliers Group or the MTCR. Pakistan was obliged to develop nuclear weapons and related delivery systems to maintain credible minimum deterrence against external aggression, especially once similar capabilities were developed and demonstrated by our eastern neighbour. The nuclear non-proliferation regime needs to accommodate the reality of the existence of nuclear weapons in South Asia. Recognition of this reality would enable Pakistan to cooperate more fully in promoting the objectives of non-proliferation and nuclear disarmament.

Given that reality, Pakistan will not accept any demand for access, much less inspections, of our nuclear and strategic assets, materials and facilities. We will not share any information — technical, military or political — that would negatively affect our national security programmes or our national interests.

Pakistan will continue to develop its nuclear, missile and related strategic capabilities to maintain the minimum credible deterrence vis-à-vis our eastern neighbour, which is embarked on major programmes of nuclear weapon, missile, anti-missile and conventional arms acquisition and development. We have proposed the creation of a strategic restraint regime in South Asia encompassing nuclear-weapons and confidence-building measures, a conventional balance of arms and the resolution of underlying disputes. We hope to promote such a regime under the composite dialogue recently agreed upon by the two States. An experts-level meeting on nuclear confidence-building measures will be held next month.

The adoption of this resolution and the attention that is focused on weapons of mass destruction proliferation by terrorists and non-State actors are timely and important. At the same time, it should not be allowed to deflect attention from the dangers that flow from the existence and vertical proliferation of nuclear and other weapons of mass destruction.

The Conference on Disarmament, the sole multilateral negotiating body in the field of disarmament, remains paralysed mainly because of the refusal by one or two major States to open multilateral negotiations on nuclear disarmament and the prevention of an arms race in outer space. This paralysis has also frozen the prospects of concluding a treaty to ban the future production of fissile materials. We trust that the sponsors of this resolution will contribute to unblocking those negotiations and will refrain from taking any steps that could destabilize strategic stability at the global or regional level and defeat the goals of disarmament and non-proliferation.

Mr. Cunningham (United States of America): In his address to the General Assembly last September, President Bush said that, because proliferators would use any route or channel open to them, we need the broadest possible cooperation to stop them. He asked the Security Council to help by adopting a resolution to counter this growing threat. The President called for a resolution that achieved three primary goals: to criminalize the proliferation of weapons of mass destruction, to ensure that all countries have strong export controls and to secure sensitive materials within each country's borders. The United States is pleased that the important resolution we adopted today fulfils these key goals and that we have adopted it unanimously, with all that implies.

In this resolution, the Council is responding appropriately to what all agree is a clear and present threat to global peace and security: the proliferation of nuclear, chemical and biological weapons and their means of delivery, especially to non-State actors, including terrorists. Because this threat and the actions we are taking today concern the entire United Nations membership, the United States and the co-sponsors have made major efforts to consult, listen and take into account the many views expressed. We share a common goal: to implement the resolution.

Implementation will require States to undertake a variety of steps, both legal and technical, to meet the requirements of the resolution in a manner that best suits their legal systems and procedures. The language in the resolution calls for effective and appropriate measures to be taken to meet the requirements set out by the Council. Each Member State will need to review its laws and to determine what laws or regulations will be necessary to meet the resolution's requirements. Member States are also required to strengthen controls in order to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery. Member States are also asked through this resolution to submit within six months a first report assessing their implementation of this resolution to the Committee established by the resolution.

The United States recognizes — and the resolution clearly states — that some countries may lack the resources to enact and enforce the laws and regulations called for. As the President told the General Assembly last September, we stand ready, as do others as well, to assist countries, as appropriate, that require technical assistance and we encourage others that are able to do so to provide assistance as well.

The resolution clearly states that it will not alter or amend the existing Treaty on the Non-Proliferation of Nuclear Weapons regimes. The steps to be taken by States under the resolution do not take the place of the commitments that they have made in connection with non-proliferation Treaty regimes.

The Security Council today is responding unanimously to a threat to international peace and security: the uncontrolled spread of nuclear, chemical and biological weapons, their means of delivery and related materials by non-State actors, including terrorists seeking to exploit weak export-control laws and security measures in a variety of countries. We believe that it is essential that all States — not just States parties to a specific treaty or supplier regime — maintain adequate controls over their nuclear material, equipment and expertise. In that regard, as called for in the resolution, we urge all countries to work bilaterally, regionally and internationally to take cooperative action to stop, impede, intercept and otherwise prevent the illicit trafficking in these weapons, related materials and their means of delivery.

We are pleased that the resolution addresses the importance of such cooperative action. We believe that the proliferation security initiative announced by President Bush in Krakow, Poland, on 31 May 2003 —

almost one year ago — is a valuable initiative in this regard. We are pleased that so many States are working with us to interdict shipments of nuclear, chemical and biological weapons, their means of delivery and related materials. No one nation can meet this challenge alone. We hope that all States will join us in the proliferation security initiative and other cooperative efforts, consistent with national and international legal authorities, to stop the flow of these deadly weapons and materials. Halting such traffic is in the interests of all of us.

The United States appreciates the broad cooperation of all members of the Security Council and the wider membership in improving this resolution and addressing this threat to international peace and security. The international community now has a solid basis for moving ahead and working together to deal with this important security issue.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): The Russian Federation was one of the initiators of the resolution adopted today by the Security Council. In that regard, we believe that the problem of the acquisition of weapons of mass destruction by non-State actors, primarily for terrorist purposes, is becoming one of the crucial threats to international peace and security.

The resolution just adopted is targeted specifically at that threat. It seeks to ensure the coordination of action to counter the black market in weapons of mass destruction and related technologies and materials. It does not supercede existing non-proliferation mechanisms, but establishes an operational framework for international cooperation in this field; nor does it impede scientific and technical cooperation for peaceful purposes.

The resolution contains a set of practical measures at the national level to ensure reliable barriers to access by terrorists to weapons of mass destruction and their components. It is important that, in seeking to implement the resolution, the Committee established by the Security Council ensure ongoing Council oversight of efforts to prevent the illicit acquisition of weapons of mass destruction.

We appreciate the consensus that has been reached, reflecting the international community's growing understanding of the need to undertake collective efforts against the proliferation threat, in strict compliance with the standards of international law. We believe that the resolution will be fully implemented by all States.

Mr. Wang Guangya (China) (*spoke in Chinese*): China supports the assumption by the United Nations of its due role in non-proliferation and therefore favoured the adoption of a Security Council resolution on the basis of extensive consultations. The Chinese delegation took part in the consultations on today's resolution in a serious, responsible and constructive manner. We believe that the resolution was adopted in compliance with existing international law on the illicit traffic in weapons of mass destruction, their means of delivery and related materials by non-State actors in order to prevent the further proliferation of such weapons. On that basis, the Chinese delegation voted in favour of the resolution.

The adoption of the resolution on non-proliferation is of positive significance in deepening the international community's common understanding of the issue and in enhancing the international non-proliferation process. The fundamental purpose of non-proliferation is to maintain and promote international and regional peace, stability and security. In implementing the resolution, it is essential that we achieve our non-proliferation goals by peaceful means; undertake international cooperation on the basis of equality, mutual trust and strict compliance with international law; and solve our differences through dialogue. At the same time, we must guarantee the legitimate rights of all countries, especially developing countries, to utilize and share dual-use science and technology and their products for peaceful purposes. China will work hard with all members of the Security Council Committee and contribute as it should to the effective implementation of the resolution.

Mr. Muñoz (Chile) (*spoke in Spanish*): Chile resolutely supported this draft resolution, which has now been adopted unanimously. My Government believes that a vacuum exists in the international system with respect to the proliferation and control of weapons of mass destruction in relation to their possible terrorist use by non-State actors. It therefore devolves to the Security Council to act in a prompt and timely manner by taking appropriate steps within the framework of the powers entrusted to it by the Charter for the maintenance of international peace and security, as this initiative is, indeed, doing.

This issue has many aspects — political, legal and technical — which must be taken into account in order to achieve consensus and to satisfy the requirements of different positions. My delegation would have preferred greater emphasis on the inclusion of disarmament aspects in the text, so as to reflect in a more balanced manner the link between disarmament and non-proliferation. Nonetheless, we gave priority to the importance and timeliness of promoting effective and universally applicable measures. However, we would be in favour of negotiations, in the context of appropriate international forums, on legally binding instruments laying down the rules necessary to regulate and enforce obligations.

Finally, the effective implementation of this resolution and the positive results we expect from it will depend on its general acceptance by the members of the international community, which, in the final analysis, are responsible for implementing it. We hope that this will be the case.

Mr. Baali (Algeria) (*spoke in French*): My delegation voted in favour of the draft resolution just adopted unanimously because it considers that, in the absence of binding international rules preventing the acquisition and use by non-State actors of weapons of mass destruction, it is the responsibility of the Security Council to act, on an exceptional basis, in order to face the threat posed by the possible use by terrorist groups of such weapons.

The text we have adopted contains definite improvements over the initial draft that was before the Council. These improvements respond to concerns expressed by a number of delegations, including my own, and I wish to thank the sponsors for that. Other concerns, however, could not be fully taken into account, such as a stronger reference to the concept of disarmament; a reference to the positive contribution that the establishment of zones free of weapons of mass destruction could make to non-proliferation; and the call for the early conclusion of a binding international legal instrument on weapons of mass destruction and non-State actors.

Nonetheless, the text is generally balanced and responds in an effective and credible way to the threat faced by the international community. It reflects our viewpoint and we welcome it, as it represents a fresh illustration of the determination of the international community to act decisively, in a concerted and united fashion, against the terrorist threat. Algeria is prepared to make its full contribution to the implementation of the resolution and to participate actively in the follow-up Committee that it has established.

Sir Emyr Jones Parry (United Kingdom): The United Kingdom welcomes the adoption today of the Security Council's first-ever resolution addressing the proliferation of weapons of mass destruction. This resolution underlines the international community's determination to tackle a real, urgent and horrific threat: that these deadly weapons or materials might fall into the hands of terrorists or other non-State actors. In the face of that threat, we argued that it was not only appropriate for the Council to act, it was imperative for it to do so. We are therefore glad that the Council has responded with such conviction, demonstrated by its unanimous vote this morning.

This resolution is an effective multilateral response to threats not covered by existing regimes. It is consistent with the goals of disarmament and the multilateral treaty framework. The resolution therefore requires all States to adopt robust national legislation that will criminalize attempts to acquire or traffic weapons of mass destruction and the requirement to establish controls that thwart such efforts.

The Chapter VII legal base stresses that we are dealing with a clear threat to peace and security. It underlines the seriousness of our response and the binding nature on all States of the obligation it contains.

Let me quite clear on the extent of the obligations arising from this resolution. They apply without favour to all Members of the United Nations, be they permanent members of the Security Council or any other Member State. The obligations in the legally binding areas set out in this resolution are exactly that: a binding obligation on all States.

Throughout the discussion of the resolution, the sponsors sought to work closely with Council members and, perhaps uniquely, with the wider United Nations membership. We are grateful to all those who engaged with us in that dialogue, helping to improve this resolution and, we hope, make its implementation truly a common endeavour.

We hope that the Council Committee established by the resolution will be the heart of that cooperative and collaborative approach. We recognize, as does the

resolution, the potential importance of technical assistance.

It is our hope that the cooperative and inclusive measures that the resolution envisages will reduce the risk of any future tragedy. We thank the Council and United Nations Members alike for their help in taking forward this collaborative multilateral action and look forward to building on this joint endeavour in future.

Mr. Arias (Spain) (*spoke in Spanish*): Spain decided to co-sponsor this resolution because we believe it essential to act urgently in order to fill a legal vacuum. The context of the resolution is no other than the global struggle against terrorism, and therefore Spain views this exercise as part of that initiated by resolution 1373 (2001). The possibility that non-State actors, in particular terrorists, might gain access to weapons of mass destruction represents a real, grave and imminent threat to international peace and security. For that reason, my country has always felt that it was within the Council's competence to take action. Since the Council is legislating for the entire international community, we welcome the fact that this resolution was adopted by consensus.

I will discuss Spain's stance in four brief points.

With respect to non-proliferation, my country believes that the objective of this resolution is clear and limited. It does not seek to modify international obligations in the area of disarmament and non-proliferation, as expressly stated in paragraph 5. It seems to us that the term "non-proliferation", with the safeguard that that paragraph represents, is the most appropriate one to refer to the phenomenon we seek to combat, since it clearly encompasses both the State and non-State perspectives.

With regard to disarmament, the various treaties referred to in the resolution are concerned with disarmament, not non-proliferation; the two concepts are closely related. Clearly, disarmament can contribute to preventing non-State actors from acquiring these weapons. But this resolution will not cause States that possess such weapons to accelerate the fulfilment of their obligations or those outside the treaties to accede to them. That does not mean that we do not agree on the substance of the resolution, but that it seemed to us appropriate to avoid numerous references to disarmament in its text, since they were not appropriate in the context of this resolution and could have diluted its aims.

With regard to Chapter VII, we believe that the resolution is not intrusive because it enables States to translate the obligations conferred by it into domestic law as they wish. My country believes that this resolution has been adopted under Chapter VII for two reasons: to make it legally binding in an unequivocal way and to send a strong political message. I stress that Spain considers this exercise as part of the global struggle against terrorism and as a continuation of the efforts initiated by resolution 1373 (2001), which was adopted under Chapter VII. It would have been difficult to understand, then, not applying that Chapter on this occasion.

With regard to the follow-up mechanism, we supported the creation of a committee entrusted with monitoring the implementation of the resolution, and we welcome the fact that it was given sufficient time to fulfil its functions. Two years seems to be a satisfactory length of time. The committee will have to determine its terms of reference, but we hope that its operation will be similar to that of the Counter-Terrorism Committee. It should thus be governed by principles of cooperation, equal treatment and transparency, and technical assistance to States should be one of its key components. Similarly, we believe that it should have a team of experts to assist it in its work.

Mr. Sardenberg (Brazil): Brazil's affirmative vote on resolution 1540 (2004) reflects our unequivocal commitment to the cause of a safer world, a world in which weapons of mass destruction — nuclear, chemical, and biological weapons — will no longer exist.

The underlying reasons for our vote are quite clear. The prospect of non-State actors, especially terrorists, having access to those weapons is indeed a matter of deep concern. Such is the focus of the resolution we have just adopted. In addition, a sense of urgency was needed to address this potential threat. As negotiations advanced, the delegation of Brazil acted in a manner consistent with international law and the maintenance of international peace and security. We sought to safeguard the integrity of the existing international treaties and conventions — including the Non-Proliferation Treaty — and the balance of rights and duties contained therein.

Limiting our efforts to combating proliferation or trying to single it out as the overriding threat to our

lives seems to us somewhat inadequate. At the same time, concrete actions towards effective disarmament by the States possessing those arms must also be pursued in good faith. Without such a comprehensive approach, one that also takes into account the manifold possibilities provided by international cooperation for peaceful purposes, all efforts to make this a safer and better world are bound to fall short.

Several of our contributions, as well as amendments proposed by other delegations, were reflected in the resolutions as adopted. Nevertheless, we certainly continue to think that there was no need to put the whole resolution under the enforcement provisions of the United Nations Charter. We will take part in the work of the committee established in paragraph 4, with the same determination to play a positive and catalytic role.

Mr. Motoc (Romania): In this impressive atmosphere of consensus, I can afford to be very brief. Most of the features making up the thrust of the resolution the Council has just adopted have been the object of extensive and useful exchanges in the interactions both within the Security Council membership and among the general membership of the Organization. The outcome of this is the powerful unanimity displayed today by the Council and the good understanding by all of us of the purposes this resolution serves. This optimizes the chances that the implementation of its provisions will meet the expectations of world opinion.

The Council is filling in an important gap in international efforts to deal with non-proliferation. With the adoption of this resolution, the Council lives up to its responsibilities, addressing one of today's most ominous challenges to international peace and security. The objective of this resolution is indeed an essential component of overall efforts to address contemporary threats to international peace and security, specifically those posed by non-State actors seeking to acquire and use weapons of mass destruction and their means of delivery. The unity of action demonstrated today by the members of the Council is a clear indication that this particular issue is indeed a matter of great urgency.

A lot of work remains to be done if the resolution is to attain its objectives — both within the United Nations and in nations' daily implementation of the guidelines set forth in it. Additional efforts are going to be needed now from all of us, indeed from the entire United Nations membership, and we must implement the provisions of the resolution in good faith. Romania, which is connected to all existing international non-proliferation regimes, is certainly going to live up to the commitments proceeding from the important resolution just adopted by the Security Council. I fully trust that we did the right thing in taking, as the Security Council, an important step towards making our world a safer place.

Mr. Baja (Philippines): We sponsored the resolution just adopted in recognition of the clear and present danger of weapons of mass destruction that could be used for terrorist activities falling into the hands of non-State actors.

There is a serious gap in existing regimes in terms of addressing this threat to international peace and security; that consideration should override any legal niceties regarding the resolution's possible political or technical implications, which may or may not materialize. The negotiation process on this resolution incorporated positive elements into the original draft text, particularly regarding the fulfilment of obligations related to arms control and disarmament, non-infringement upon existing treaty regimes, peaceful settlement of disputes and clarification of the role and mandate of the follow-up mechanism.

The resolution reflects the Philippine Government's serious policy of countering terrorism. We acknowledge assurances that the resolution does not ipso facto authorize enforcement action against States that fail or are unable to comply with the obligations set forth by the resolution and does not preclude future multilateral agreements on the subject. We believe this resolution signals the seriousness, not only of the Council, but also of the entire international community with regard to preventing the trafficking of weapons of mass destruction to non-State actors. The Philippines will of course act seriously in the implementation of this resolution.

The President: I will now make a statement in my capacity as the representative of Germany.

Germany voted in favour of this resolution because it contains important measures to enhance the effectiveness of non-proliferation efforts at a global level. It also testifies to the central role of the Security Council in the fight against proliferation, a threat that is global and that therefore also requires a global

approach. Germany, along with its European Union partners, is committed to strengthening the Security Council in that role.

The negotiation process was not easy. The original text drafted by the sponsors in six months of internal discussions has been improved after being presented to the other Council members and to a great number of other interested United Nations Member States. We welcome the progress made in the last four weeks.

The international treaty system on disarmament, arms control and non-proliferation, including its aim of the total elimination of weapons of mass destruction, plays the key role in realizing the goals of this resolution. It is now mentioned in the preambular section. However, we would have preferred to see it highlighted in the operative section as well. A strong role has finally been allocated to a two-year follow-up mechanism, and we welcome that. However, we regret that no explicit language could be introduced on the importance of verification, security assurances and regional security arrangements and on the leading role the Security Council as a whole must play in the context of this resolution.

Despite those shortcomings, we support this resolution as it stands, and we will cooperate in its implementation because the proliferation of weapons of mass destruction by non-State actors is a major threat to international peace and security. That threat is real and imminent. All United Nations Member States must strengthen their respective domestic controls, including export controls and legislation. The Security Council is setting clear goals. The concrete rules to reach those goals will be established by Member States in accordance with their national procedures.

During the Council's open debate on 22 April 2004, which was marked by wide, constructive participation, a great number of United Nations Member States expressed their understanding for the goals of this resolution and their support for its implementation. The proactive cooperation of all Member States, the public and private industry, as well as international agencies such as the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, is a prerequisite for the success of this important instrument. In the case of any lack in its implementation, the resolution does not foresee any unilateral enforcement measures. If necessary, such measures must be subject to specific further decisions, to be adopted by the Security Council as a whole under paragraph 11 of the resolution and in conformity with the United Nations Charter. In the open debate, many speakers, including sponsors, underlined that this resolution is not about enforcement actions.

The Committee to be established to follow up on the implementation of the resolution must closely cooperate with Member States and international agencies in order to ensure an even-handed and transparent approach. We welcome the fact that the Committee has been given a two-year mandate, and we hope that, after that time, the Committee and the resolution will have fulfilled their task. In any case, the end of that two-year period should be the occasion to subject the resolution and its implementation to a comprehensive review.

As this resolution covers an important aspect of non-proliferation, it complements the existing system of international instruments of global disarmament, arms control and non-proliferation, including effective verification. This multilateral treaty regime, which is highlighted in several paragraphs of the resolution, retains its full validity and relevance and remains a core instrument for the preservation of international peace and security. The obligations contained therein have to be fully complied with. We are committed to strengthening and universalizing the multilateral disarmament and non-proliferation treaties and agreements. After all, one of the most effective contributions to preventing the proliferation of weapons of mass destruction remains the total elimination of those weapons both from arsenals and from military doctrines worldwide.

I now resume my functions as President of the Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.45 p.m.

United Nations S/PV.4956/Corr.1

Security Council

Fifty-ninth year

Provisional

4956th meeting

Wednesday, 28 April 2004, 12.45 p.m.
New York

Corrigendum

Page 8, first column, Spain

First paragraph, fifth line: *for* global struggle *read* global fight

Fourth paragraph

Third line: *for* disarmament, not non-proliferation *read* disarmament and non-proliferation

Tenth line: *for* substance of the resolution *read* substance of the matter

Second column, first paragraph, ninth line: *for* struggle against terrorism *read* fight against terrorism

04-34233 (E)

United Nations S/PV.4957

Security Council

Fifty-ninth year

Provisional

4957th meeting

Thursday, 29 April 2004, 10 a.m.

New York

President:	Mr. Pleuger	(Germany)
Members:	Algeria	Mr. Baali
	Angola	Mr. Lucas
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. de La Sablière
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2004/325 and Add.1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-32978 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2004/325 and Add.1)

The President: The Security Council will now continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them ,the report of the Secretary-General on the situation concerning Western Sahara, contained in document S/2004/325 and Add.1. Members of the Council also have before them document S/2004/330, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1541 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.20 a.m.